

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Civil Action No.: 03-12560RGS**

<b>DAVID DEITZEL</b>	)
<b>Plaintiff,</b>	)
<b>vs.</b>	)
<b>SPRINGFIELD TERMINAL</b>	)
<b>RAILWAY COMPANY</b>	)
<b>Defendant.</b>	)

**NOTICE OF APPEAL**

Notice is given that the defendant, Springfield Terminal Railway Company, hereby appeals to the United States Court of Appeals for the First Circuit from the October 5, 2006-jury verdict in favor of the plaintiff and the Judge's November 8, 2006 Memorandum and Order denying Defendant's Motion for Judgment Notwithstanding the Verdict Pursuant to Fed. R. Civ. P. 50, or in the Alternative, for a New Trial, Pursuant to Fed. R. Civ. P. 59 and the Judge's November 8, 2006 Memorandum and Order denying Defendant's Motion for a New Trial Pursuant to Fed. R. Civ. P. 59(a), and to Alter or Amend Judgment and for a Remittur, Pursuant to Fed. R. Civ. P. 59(e).

Respectfully submitted,  
By the defendant,  
Springfield Terminal Railway Company,  
By his attorneys,

/s/ John J. O'Brien, Jr.  
John J. O'Brien, Jr.  
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DATED: November 14, 2006

CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the defendant, hereby certify that on this day I forwarded a true copy of the Notice of Appeal by first class mail, postage pre-paid, to the following counsel of record:

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/s/ John J. O'Brien, Jr.  
John J. O'Brien, Jr.

DATED: November 14, 2006